



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/937,344	02/14/2002	Egon Schulz	03869.105714	7966
86528	7590	09/24/2010		
King & Spalding LLP 401 Congress Avenue Suite 3200 Austin, TX 78701			EXAMINER MILLER, BRANDON J	
			ART UNIT	PAPER NUMBER
			2617	
			NOTIFICATION DATE	DELIVERY MODE
			09/24/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

AustinUSPTO@kslaw.com

AustinIP@kslaw.com

**Supplemental
Notice of Allowability**

Application No.

09/937,344

Examiner

BRANDON J. MILLER

Applicant(s)

SCHULZ, EGON

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERIT IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 5-10-2010.
2. ☒ The allowed claim(s) is/are 2-8.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| <ol style="list-style-type: none"> 1. <input type="checkbox"/> Notice of References Cited (PTO-892) 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | <ol style="list-style-type: none"> 5. <input type="checkbox"/> Notice of Informal Patent Application 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance 9. <input type="checkbox"/> Other _____. |
|---|--|

/Brandon J Miller/
Examiner, Art Unit 2617

/George Eng/
Supervisory Patent Examiner, Art Unit 2617

DETAILED ACTION
EXAMINER'S AMENDMENT

I. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

The application has been amended as follows:

The specification dated 09/24/2001 on page 4a should be amended as follows:
claim [[8]] 7. Advantageous embodiments and

Allowable Subject Matter

II. The following is an examiner's statement of reasons for allowance:

Claim 2 recites a method for assigning channels for radio transmission between a single subscriber station and a base station of a radio communications system with steps as defined in the specification (pages 4-8) including for transmission of data in a predefined direction: assigning a plurality of physical channels to the single subscriber station for the predefined transmission direction via a common channel description, the plurality of physical channels each having at least one of different spread-spectrum codes, different code groups, different frequencies and different midambles; and wherein the common channel description comprises information about utilization of the plurality of physical channels by the single subscriber station during the radio transmission, which specifies an order of the transmission of data for the predefined transmission direction; transmitting the common channel description to the subscriber

station, in which an order of the utilization of the physical channels is specified by an order of the information on each of the plurality of physical channels within the channel description.

The prior art teaches a method for assigning channels for radio transmission between a single subscriber station and a base station of a radio communications system including; assigning a plurality of physical channels to the single subscriber station, the plurality of physical channels each having at least one of different spread-spectrum codes, different code groups, different frequencies and different midambles.

However, applicant's independent claim 2 comprises a method with a particular combination of steps, as recited above, which includes for transmission of data in a predefined direction; assigning a plurality of physical channels to the single subscriber station for the predefined transmission direction via a common channel description; and wherein the common channel description comprises information about utilization of the plurality of physical channels by the single subscriber station during the radio transmission, which specifies an order of the transmission of data for the predefined transmission direction; transmitting the common channel description to the subscriber station, in which an order of the utilization of the physical channels is specified by an order of the information on each of the plurality of physical channels within the channel description.

This is neither taught nor suggested by the prior art.

Claims 3-7 are allowable based on their dependence on allowable independent claim 2.

Claim 8 recites a base station for a radio communication system with a structure as defined in the specification (pages 4-8) including a facility to assign channels for a radio

transmission with one subscriber station for one transmission direction, wherein the facility is operable to generate and transmit a common channel description to the one subscriber station, wherein the common channel description comprises data assigning a plurality of physical channels for the radio transmission, the physical channels having at least one of different spread-spectrum codes, different code groups, different frequencies and different midambles, and wherein the common channel description further comprises information about utilization of the plurality of physical channels by the one subscriber station during the radio transmission, which specifies an order of transmission of data for the predefined-transmission direction, in which an order of the utilization of the physical channels is specified by an order of the information on each of the plurality of physical channels within the channel description.

The prior art teaches a base station for a radio communications system including assigning channels for a radio transmission with one subscriber station, comprising: assigning a plurality of physical channels for the radio transmission, the physical channels having at least one of different spread-spectrum codes, different code groups, different frequencies and different midambles.

However, applicant's independent claim 8 comprises a base station with a particular combination of elements, as recited above, which includes a facility to assign channels for a radio transmission with one subscriber station for one transmission direction, wherein the facility is operable to generate and transmit a common channel description to the one subscriber station, wherein the common channel description comprises data assigning a plurality of physical channels for the radio transmission, and wherein the common channel description further comprises information about utilization of the plurality of physical channels by the one

subscriber station during the radio transmission, which specifies an order of transmission of data for the predefined-transmission direction, in which an order of the utilization of the physical channels is specified by an order of the information on each of the plurality of physical channels within the channel description.

This is neither taught nor suggested by the prior art.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

III. Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRANDON J. MILLER whose telephone number is (571)272-7869. The examiner can normally be reached on Mon.-Fri. 8:00 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on 571-272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/George Eng/
Supervisory Patent Examiner, Art Unit 2617

/Brandon J Miller/
Examiner, Art Unit 2617

September 20, 2010